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Report of the Working Group on the Universal Periodic Review*

Switzerland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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1. The Universal Periodic Review (UPR) process is a high priority for Switzerland, which regards the UPR as a valuable opportunity to strengthen and foster the national debate on human rights in a transparent and inclusive manner. Switzerland is a strong supporter of the UPR process on account of its universal and equal treatment of every country. Switzerland welcomes the outcome of its third UPR cycle. Switzerland reiterates that, owing to its semi-direct and federalist system, implementation of the country's international human rights obligations lies with the competent state bodies at the federal, cantonal and municipal levels. This system allows Switzerland to respect, protect and promote human rights in an effective and efficient way.

2. On 9 November 2017, Switzerland received 251 recommendations from UN member states, of which 121 were immediately supported and 67 noted. With this document, Switzerland sets out its position and rationale on the remaining 63 recommendations, of which 40 are now supported and 23 noted. It points out that many of the supported recommendations have already been implemented (see, inter alia, 146.1–5; 146.15–19; 146.61–66; 146.116). As a result of the thorough domestic consultation process, recommendation 146.67, which was initially supported, is now noted. In sum, of the total 251 recommendations, Switzerland has supported 160 and noted 91. In conformity with its practice in regard to international obligations, Switzerland supported those recommendations which it is able to implement in due time as well as recommendations that have already been implemented.

3. True to the inclusive and participative process it adopted in preparing its national report, Switzerland undertook wide consultations with all the parties concerned, particularly with its federal entities, i.e. the cantons. The replies hereinafter reflect the opinion of the cantonal and the federal governments.

List of recommendations examined by Switzerland and the position taken

Recommendation	*Swiss Position*	*Rationale*
147.1	Noted	Switzerland ratifies human rights instruments which provide for individual communications to human rights treaty bodies on condition that experience exists with the instrument in question. Thus, the initial report, submitted in June 2016 by the Committee on the Rights of Persons with Disabilities, requires consideration prior to ratification of the Optional Protocol. Such consideration has not yet been scheduled.
147.2	Noted	See 147.1.
147.3	Noted	The ratification of the UNESCO Convention against Discrimination in Education is not foreseen at this stage. However, Switzerland will continue to combat any forms of discrimination within its education system.
147.4	Noted	Switzerland shares the goal of a world without nuclear weapons. The Treaty on the Prohibition of Nuclear Weapons is a step in that direction. There are, however, some points of concern, as stated in an explanation of vote when the Treaty was adopted. Switzerland is currently conducting an interdepartmental assessment of the Treaty and its effects in order to determine its position.
147.5	Supported	Switzerland reaffirms its commitment made during its first and second UPR cycles to establish a national human rights institution in line with the Paris Principles. A draft law has been submitted for public consultation, the evaluation of which will serve as a basis for the next steps. Switzerland stresses that this acceptance does not in any way prejudice the decisions to be taken by the Federal Council and Parliament.

147.6	Supported	See 147.5.
147.7	Supported	See 147.5.
147.8	Supported	See 147.5.
147.9	Supported	See 147.5.
147.10	Noted	Popular initiatives must respect peremptory norms of international law. Parliament rejected a proposal for legislative measures to improve the compatibility of popular initiatives with non-peremptory international law in 2016. The right of Swiss citizens to modify the Constitution by means of a popular initiative is a fundamental element of Swiss democracy. As in the past, Switzerland will honour its commitments with regard to human rights and address possible conflicts between its Constitution and human rights on a case-by-case basis, while respecting the will of the Swiss people.
147.11	Supported	See 147.5.
147.12	Supported	See 147.5.
147.13	Supported	See 147.5.
147.14	Supported	See 147.5.
147.15	Supported	See 147.5.
147.16	Supported	See 147.5.
147.17	Supported	See 147.5.
147.18	Supported	See 147.5.
147.19	Supported	See 147.5.
147.20	Supported	See 147.5.
147.21	Supported	See 147.5.
147.22	Supported	See 147.5.
147.23	Supported	Switzerland reaffirms its commitment to present in each case the best-suited national candidates for UN Treaty Body elections through an adequate and merit-based selection process.
147.24	Supported	See 147.5.
147.25	Noted	See 147.10.
147.26	Noted	See 147.10.
147.27	Supported	Switzerland takes the implementation of its international human rights obligations very seriously. The Confederation has established an 'interdepartmental core group on human rights policy' (KIM) to coordinate human rights policy issues and the reporting thereof, including on the follow-up to recommendations, to international human rights treaty bodies at the federal and cantonal levels.
147.28	Supported	Existing measures taken in the context of cantonal integration programmes to encourage peaceful coexistence are considered to be sufficient, and Switzerland has not identified any need to expand these.
147.29	Noted	Switzerland considers that Art. 261*bis* of the Swiss Penal Code provides exhaustive legal protection against discrimination.

147.30	Supported	A comprehensive national security concept to protect any minorities considered to be threatened, including the financial means to sustain preventive measures, is in preparation. Its adoption is planned for 2018.
147.31	Supported	Measures to protect against any form of racial and religious discrimination are provided for at all state levels. They are amended where necessary. In November 2017, Switzerland adopted a national action plan against radicalisation and violent extremism, which contributes to the prohibition of any kind of discrimination.
147.32	Supported	Switzerland will continue its efforts to prevent any form of discrimination based on sexual orientation and gender identity, including through cantonal integration programmes. Measures specifically targeting children and young people are encouraged by the Swiss law on the promotion of extra-curricular activities for children and adolescents.
147.33	Noted	Swiss law already provides for various means of protection against discrimination based on sexual orientation and gender identity. In addition, the Federal Council agreed to evaluate possible areas, where additional legal measures against discrimination are necessary. A parliamentary committee has started a public consultation on a legislative proposal to include discrimination based on sexual orientation in Art. 261*bis* of the Swiss Penal Code.
147.34	Supported	The new law on adoption allows same-sex couples to adopt their registered partner's children. Furthermore, Parliament is currently examining the possibility of allowing same-sex marriage.
147.35	Noted	Rather than adopting a national action plan to promote the rights of the LGBTI community, Switzerland considers it more efficient and effective to support concrete projects and organisations, particularly at the local level.
147.36	Noted	Police and judicial authorities receive training on human rights issues. Specific training in regard to transgender persons is not foreseen.
147.37	Noted	Switzerland will continue to protect the human rights of the LGBTI community. Various measures are being discussed, such as facilitating the change of legal gender and name in the civil register. Police and judicial authorities receive training on human rights issues, but no particular training regarding transgender persons is foreseen.
147.38	Noted	Switzerland has recently adopted a national action plan for the implementation of the UN Guiding Principles on Business and Human Rights (NAP/BHR). It contains mutually supportive binding and non-binding measures improving the protection of human rights in the context of business activities. For the time being, Switzerland considers a comprehensive and legally binding human rights due diligence or liability clause for multinational enterprises to be too restrictive.
147.39	Supported	Switzerland will intensify its oversight over Swiss companies in general in the context of the implementation of the NAP/BHR, which also includes several political instruments to promote the respect for human rights by businesses operating in conflict areas.
147.40	Noted	See 147.38.
147.41	Noted	See 147.38.

147.42	Noted	See 147.38.
147.43	Supported	Various measures have been taken, such as the construction of new detention facilities, in order to reduce overcrowding in pre-trial detention facilities. Moreover, cantonal law enforcement authorities have set up the organisation "Santé Prison Suisse" to standardise health conditions in Swiss prisons.
147.44	Supported	Cantons consider the separation of women and men as well as children and adult prisoners to be a priority. Corresponding measures have been taken by the cantonal conference of police and justice directors (KKJPD).
147.45	Noted	According to Commission Recommendation (EU) 2017/432 on the Return Directive (2008/115/EC), an absolute prohibition of administrative detention of minors is not feasible. However, the special needs of minors are always taken into account and the Federal Act on Foreign Nationals prohibits administrative detention of minors under 15 years.
147.46	Supported	Switzerland adopted the national action plan to combat human trafficking in 2017–2020 and advised all cantons to implement the 'COMPETO process', which aims to facilitate the issuing of residence permits to victims of human trafficking. In doing so, it reaffirmed its commitment to remove structural and individual obstacles to work and education for migrants through administrative and legal measures and to combat racial discrimination.
147.47	Supported	Switzerland reaffirms its commitment to combat discrimination and has established a roadmap for the implementation of CEDAW Recommendations. Furthermore, Switzerland will continue to take effective measures to combat domestic violence at both the federal and cantonal levels, for example through its implementation of the Istanbul Convention.
147.48	Noted	Switzerland considers its current systems to be sufficient and has not identified any need to expand them.
147.49	Supported	Switzerland is committed to promoting gender equality in all areas of life and to effectively implement the federal law on gender equality, specifically through financing gender equality programmes. In addition, measures have been taken to eliminate gender-specific discrimination in social security systems, such as old-age and invalidity pension schemes. Gender budgeting is applied in international cooperation as a component of governance programmes at local level. Furthermore, the recently adopted gender strategy for Switzerland's foreign policy and international cooperation takes SDG 5 of the 2030 Agenda as a starting point.
147.50	Supported	Switzerland continues its efforts to promote a balanced representation of men and women in leadership positions. The Swiss Confederation as an employer sets target values for women and men, in general and at management levels, for each legislative period. It will continue its awareness-raising as well as measures for reconciliation of work, private and family life. Furthermore, a proposal to revise Swiss company law, including gender targets for the board of directors and management board, is pending in Parliament.
147.51	Supported	See 147.50.
147.52	Supported	Several cantons are already applying measures to promote gender equality. Moreover, the Federal Council has proposed modifying the

		Gender Equality Act with a view to obliging companies with more than 50 employers to conduct a wage gap analysis every four years, and to include a representation threshold in the revised company law. These two bills are pending in Parliament. However, in certain areas, mandatory measures are already in place, for example with regard to payments and membership in extra-parliamentary commissions.
147.53	Noted	Switzerland will continue its efforts in this regard. However, a recent parliamentary decision does not allow for any expansion of this engagement.
147.54	Supported	Switzerland continues its measures to strengthen the participation of women and young people. The Gender Equality Act and the Swiss Constitution prohibit any form of discrimination based on gender. Switzerland has reaffirmed its commitment to combat any form of gender-based violence by ratifying the Istanbul Convention. Several implementation measures, such as the amendments of the Civil Code, Civil Procedure Code, Penal Code and Military Penal Code improving the protection of victims of violence, including gender-based violence, are pending in Parliament.
147.55	Noted	See 147.53.
147.56	Supported	Several Swiss laws (e.g. Gender Equality Act, labour law) aim to protect the rights of women in the labour market. The National Programme on the Prevention of Poverty includes different measures (e.g. social and professional integration, housing and childcare support) to reduce poverty among vulnerable groups, which include but are not limited to women.
147.57	Noted	A popular initiative demanding a four-week paternity leave has been submitted. The Federal Council has decided to recommend rejection of this initiative. In addition, Parliament has recently rejected the introduction of paternity leave.
147.58	Noted	Switzerland considers its current systems to be sufficient and has not identified any need to expand them.
147.59	Noted	The protection of the rights of migrant persons with disabilities and special needs (PWDs) is a concern for Switzerland. A comprehensive legal framework is in force. Instead of adopting further laws, Switzerland prefers to enhance protection by raising the awareness for the needs of migrant PWDs. The new asylum system takes into account the special needs of asylum seekers with disabilities, and further measures to protect their rights can be taken on a case-by-case basis.
147.60	Supported	The standards of human rights are high in Switzerland. This situation is beneficial for all population groups, including migrants. Moreover, Switzerland is committed, at both national and international levels, to protecting the human rights of migrants. It will continue its efforts in this regard.
147.61	Supported	The revised Asylum Act is consistent with the recommendations of Swiss Refugee Aid regarding unaccompanied minors. It guarantees, for example, legal representation throughout the entire procedure as well as access to health services and basic education. The specific needs of unaccompanied minors are systematically taken into account. However, it is not foreseen to revise the Asylum Act in a way to oblige the cantons to fulfil the recommendations of the Swiss Refugee Aid concerning youth protection, welfare, accommodation and care.

147.62	Supported	Within the framework of the revised Asylum Act and the restructured asylum procedure, all reception centres at the federal level must comply with uniform standards. These regulations include specific rules regarding the protection of families, unaccompanied minors and vulnerable people. Also the cantons foresee standards for their own cantonal reception centres.
147.63	Supported	Switzerland continues its many efforts in this regard. In the health sector, for example, as described in the National Strategy for the Prevention of Non-communicable Diseases 2017-2024, cantonal action plans on healthy aging entail numerous promotion and prevention programmes for the elderly. These cantonal measures cover topics such as a healthy diet, physical activity and mental health (including suicide prevention). Also of note are the annual federal subsidies to nationally operating organisations which advise and support older people in managing their everyday lives as independently as possible and which offer a wide range of measures for social and political participation. Private organisations, the cantons and the municipalities also contribute to such measures.